



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** January 17, 2014

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**COUNCIL DISTRICT:** 3

**SUBJECT: FILE NO. C13-047, CONVENTIONAL RE-ZONING FROM LI LIGHT INDUSTRIAL ZONING DISTRICT TO THE DC DOWNTOWN PRIMARY COMERCIAL ZONING DISTRICT ON A 1.72 GROSS ACRE SITE**

## **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Yob absent) to recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Rezoning as recommended by staff.

## **OUTCOME**

Should the City Council approve the Rezoning as recommended by the Planning Commission and staff, the subject property would be re-zoned to DC Downtown Primary Commercial, which allows for a broader range of commercial, office, and residential uses.

## **BACKGROUND**

On January 8, 2014, the Planning Commission held a public hearing to consider the proposed Rezoning (File No. C13-047). The Director of Planning, Building and Code Enforcement recommended approval of the proposed Rezoning.

Staff stated that Rezoning is consistent with the Envision San Jose 2040 General Plan. There are no other development proposals for this property on file with the Planning Division at this time.

There were two public comments made regarding this item. Statements made by the public addressed parking in the neighborhood and the environmental review process for subsequent development on the property. After the public hearing was closed, staff stated that any subsequent development of the site would be reviewed for compliance with the parking

requirements of the Zoning Ordinance. Staff also stated that the environmental review process would be determined once a specific development proposal is submitted to the City.

Commissioner Kamkar inquired what discussions staff has with an applicant before a development application is submitted for review. Staff responded that the Division works with an applicant to determine the appropriate use and development standards for a site. It was also noted that staff encourages the applicant to engage the community in similar discussions.

The public hearing was closed and a motion made to recommend the proposed Rezoning per staff recommendation to City Council. The Planning Commission then voted 6-0-1 (Commissioner Yob absent) to recommend that the City Council find the project in conformance with the California Environmental Quality Act (CEQA) and approve the proposed Rezoning as recommended by staff.

### **ANALYSIS**

A complete analysis of the issues regarding this project, including Envision San Jose 2040 General Plan conformance, is contained in the staff report. This report is attached for reference.

### **EVALUATION AND FOLLOW-UP**

If the Rezoning is approved, the applicant would be required to file a subsequent Site Development Permit application with the Planning Division or Building Permit application with the Building Division in order to implement a project on the subject site.

### **PUBLIC OUTREACH/INTEREST**

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1,000,000 or greater. (Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

## **COORDINATION**

This memo was coordinated with the City Attorney's Office.

## **CEQA**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040, and does not involve new significant effects beyond those analyzed in this Final EIR.

/s/

JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions please contact Steve Piasecki, Interim Planning Official, at 408-535-7893.

Attachment: Staff Report

**STAFF REPORT**  
**PLANNING COMMISSION**

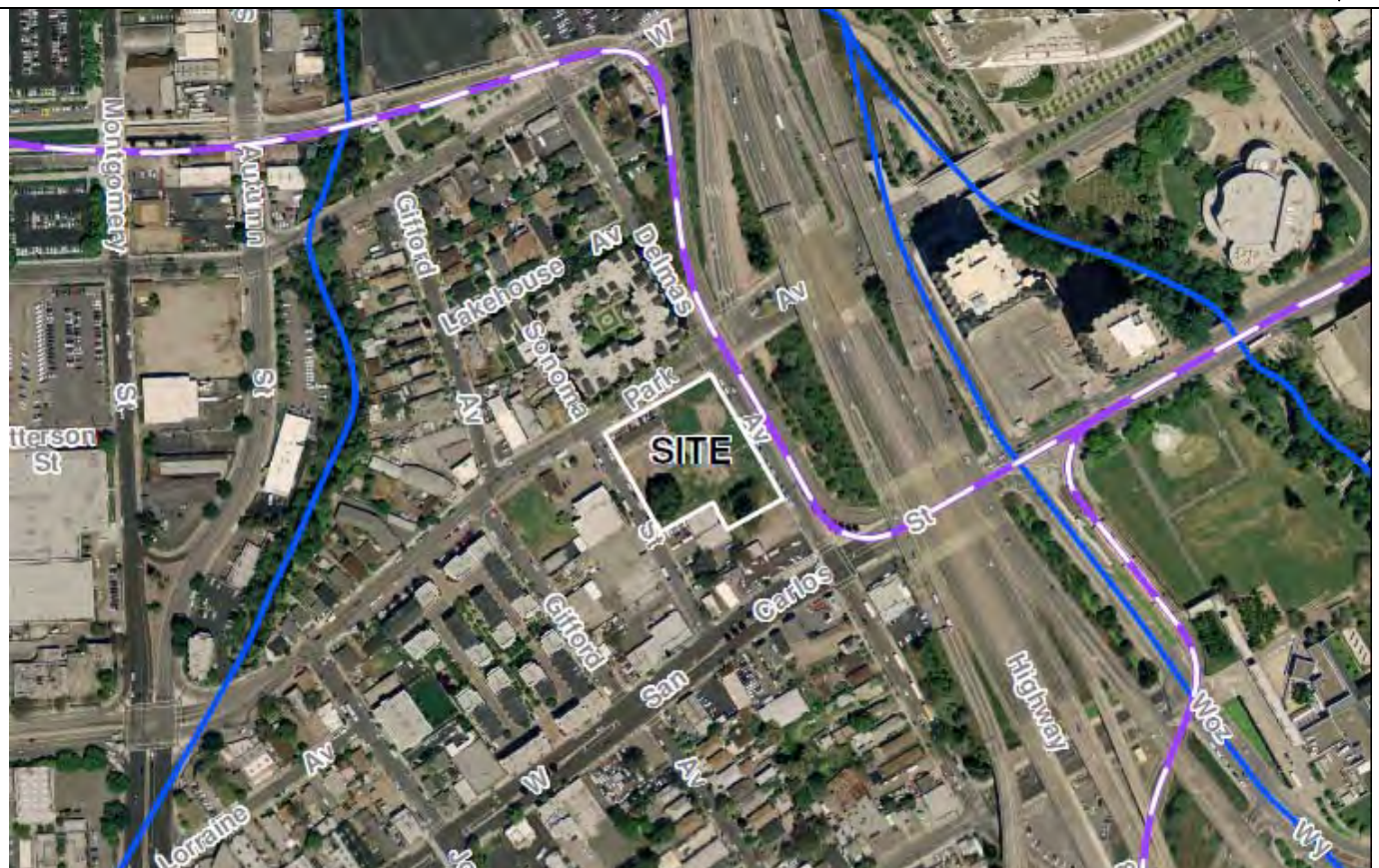
**FILE NO.:** C13-047**Submitted:** November 1, 2013**PROJECT DESCRIPTION:**

Conventional Rezoning from the LI Light Industrial Zoning District to the DC Downtown Primary Commercial Zoning District on a 1.72 gross acre site

**LOCATION:**

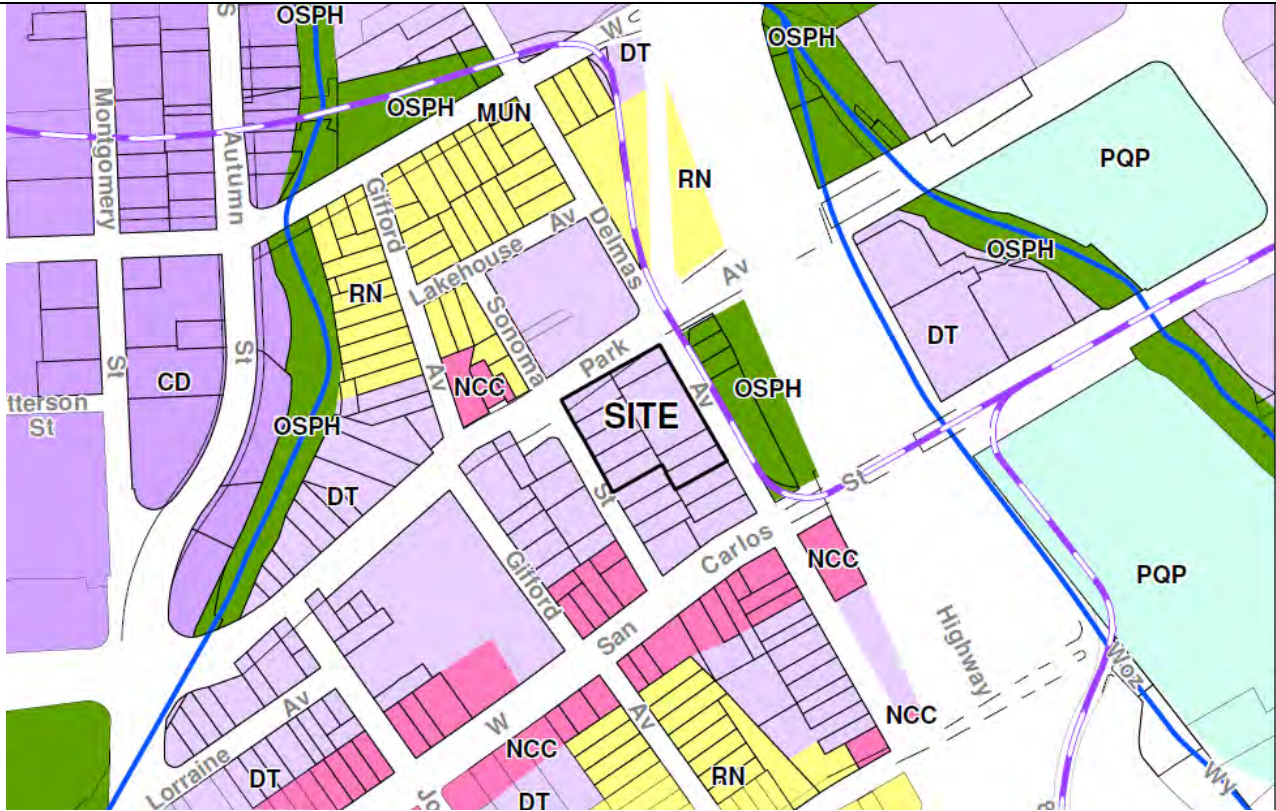
South side of Park Avenue, between Sonoma Avenue and Delmas Avenue

Existing Zoning	LI Light Industrial
Proposed Zoning	DC Downtown Primary Commercial
General Plan	Downtown
Council District	3
Annexation Date	Original City, March 27, 1950, March 16, 2011
Historic Resource	No
Specific Plan	None

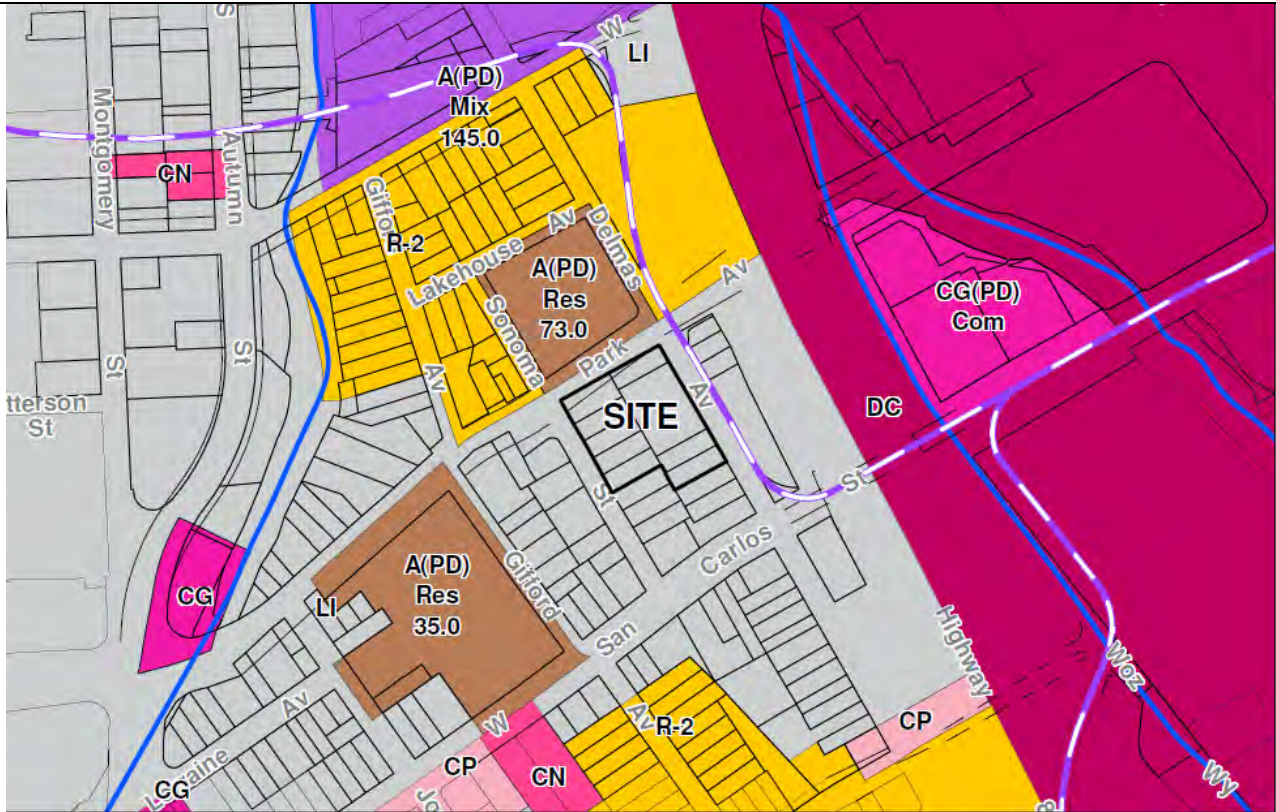
**AERIAL MAP**



GENERAL PLAN



ZONING



## **RECOMMENDATION**

Planning staff recommends the Planning Commission recommend approval of the proposed Conventional Rezoning to the City Council for the following reasons:

1. The proposed rezoning is in conformance with the Envision San José 2040 General Plan Land Use/Transportation Diagram's land use designation of Downtown for the subject site.
2. The proposed rezoning would allow a mix of commercial and residential uses on the site that are compatible with the existing and planned land uses on surrounding sites.
3. The rezoning is in conformance with the California Environmental Quality Act (CEQA).

## **BACKGROUND & DESCRIPTION**

On November 1, 2013, the applicant, Dominic Boitano, filed a rezoning application for the subject 1.72 gross acre site from the LI Light Industrial to the DC Downtown Primary Commercial Zoning District.

Light industrial/commercial buildings currently exist on the site. If the rezoning is approved by the City Council, the DC Downtown Primary Commercial Zoning District would allow for a broader range of commercial, office, and residential uses in conformance with the Envision 2040 General Plan Land Use/Transportation diagram.

### **Site and Surrounding Uses**

The site is located on the south side of Park Avenue, between Sonoma Street and Delmas Street, and is bounded by a mix of residential, commercial, and light industrial uses. The properties to the north, south, and west of the subject site have a General Plan designation of Downtown, and properties to the south, across West San Carlos Street are designated Neighborhood/Community Commercial. The properties to the north of the subject site are zoned for residential use (R-2 Two-Family Residence Zoning District and A(PD) Planned Development) and the properties to the east, west, and south of the subject property are zoned LI Light Industrial under the City of San Jose Zoning Ordinance.

At this time, the applicant anticipates proposing a mixed commercial-residential use of the site.

## **ANALYSIS**

The proposed conventional rezoning was analyzed with respect to the following:

- 1) Conformance with the Envision San José 2040 General Plan, and 2) the California Environmental Quality Act (CEQA).

### **Conformance to the General Plan**

The proposed rezoning of the subject site to the DC Downtown Primary Commercial Zoning District conforms to the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of Downtown. This designation supports office, retail, service, residential, and entertainment uses in the Downtown, and is intended to enhance the "complete community" of downtown, support pedestrian and bicycle circulation, and increase transit ridership.



The Downtown General Plan designation does not have pre-determined conforming zoning districts listed in Table 20-270 of the City of San Jose Municipal Code. However, the DC Downtown Primary Commercial District is intended to be the zoning designation for properties with the Downtown General Plan Designation. Areas around the subject site are designated Downtown. The proposed rezoning conforms with the Downtown policies as it will allow a development that could provide a mix of uses to strengthen downtown as a regional destination and a vibrant environment. Thus, the DC Downtown Primary Commercial zoning designation is appropriate for intended nature of the larger area.

### **California Environmental Quality Act (CEQA)**

Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that the proposed rezoning is pursuant to or in furtherance of the Final Environmental Impact Report (EIR) for the Envision San José 2040 General Plan, which findings were adopted by City Council Resolution No. 76041 on November 1, 2011. The Program EIR was prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2040, and does not involve new significant effects beyond those analyzed in this Final EIR.

### **CONCLUSION**

Staff recommends the entire 1.72 gross acre site be rezoned from LI Light Industrial to DC Downtown Primary Commercial as it conforms to the Downtown General Plan designation. The proposed rezoning supports the development of residential, commercial, or mixed use that is consistent with the intended development of the surrounding area.

### **PUBLIC OUTREACH/INTEREST**

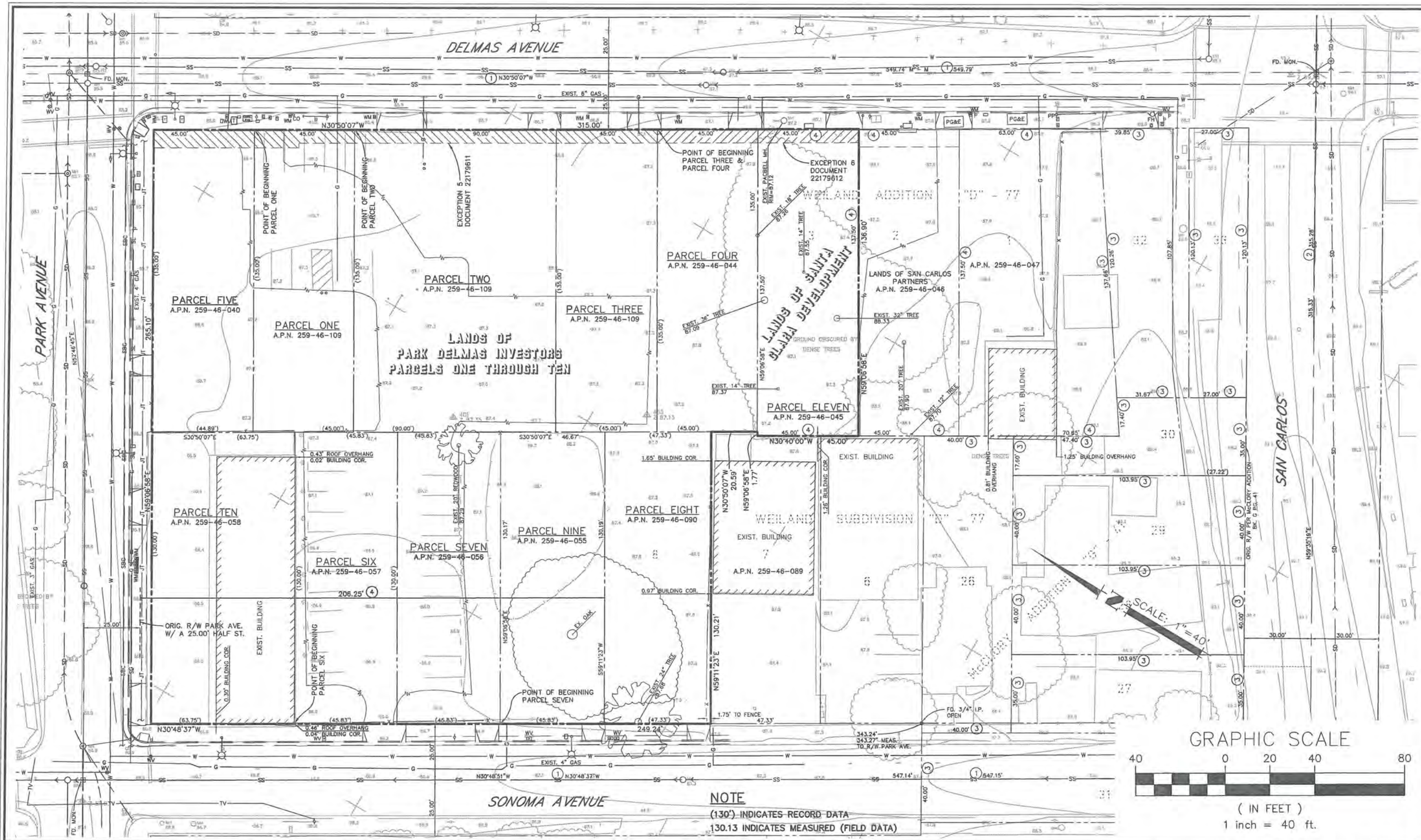
The property owners and occupants within a 500-foot radius of the project site were sent public hearing notices for the Planning Commission and City Council hearings. No comments from the general public have been received for this proposed project. This staff report is also posted on the City's website. Signage has been posted at the site to inform the public about the proposed change. Staff has been available to discuss the proposal with interested members of the public.

**Project Manager:** Emily Lipoma **Approved by:**  **Date:** 12/17/13

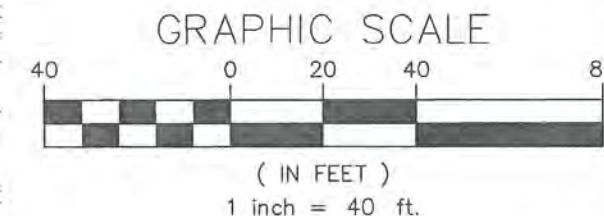
<b>Owner/Applicant:</b> <b>Applicant:</b> Dominic Boitano 2185 The Alameda, Suite 150 San Jose, CA. 95126  <b>Owner:</b> Park Delmas Investors, LLC 2185 The Alameda, Suite 150 San Jose, CA. 95126  Santa Clara Development Company 2185 The Alameda, Suite 150 San Jose, CA. 95126	<b>Attachments:</b> Site Plan
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0012ALTA3\_EXHIBIT\_B.dwg 06.1.30.2013



NOTE  
(130.13) INDICATES RECORD DATA  
130.13 INDICATES MEASURED (FIELD DATA)



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Civil Engineers • Planners • Surveyors  
224 Airport Parkway, Suite 525  
San Jose, CA 95110  
T: (408) 453-1066

SAN JOSE

## PLOT PLAN - EXHIBIT B DELMA AVENUE

CALIFORNIA

PREPARED FOR:



**SANTA CLARA DEVELOPMENT**  
An affiliate of Robson Communities  
2185 The Alameda  
San Jose, California 95126  
(408) 345-1767

BY: Y.N.  
DATE: 10/30/13  
SCALE: 1"=40'  
JOB NO. 00-112

SHEET  
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